

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

ZayQuane Jackson,)	C/A No. 5:15-cv-03608-TMC-KDW
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
B. Stirling;)	
Michael McCall;)	
Warden Reynolds;)	
Associate Warden Davis;)	
YOA Counselor Regina Mac;)	
Lt. Jack Brown;)	
Captain Camada;)	
Sgt. Anderson,)	
)	
Defendants.)	
)	

Plaintiff ZayQuane Jackson, proceeding pro se brought this action alleging claims pursuant to 42 U.S.C. § 1983. (ECF No. 1, Complaint). This matter is before the court because of Plaintiff's failure to comply with the magistrate judge's Order of November 12, 2015. (ECF No. 23).

A review of the record indicates that the magistrate judge ordered Plaintiff to inform the court if Captain Camada was an intended Defendant and to submit properly completed service documents for all Defendants within twenty-one days and specifically informed Plaintiff that if he failed to do so, this case would be dismissed *without prejudice*. *Id.* The court has not received any response from Plaintiff and the time for his compliance has passed.

The mail in which the Order was sent to Plaintiff at the address provided when the case was filed has not been returned to the court, thus it is presumed that Plaintiff received the Order, but has neglected to comply within the time permitted.

Plaintiff's lack of response to the Order indicates intent to not continue prosecuting this case and subjects it to dismissal. *See* Fed. R. Civ. P. 41(b) (district courts may dismiss an action if a Plaintiff fails to comply with "any order of the court."); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) (dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (court may dismiss *sua sponte*).

Accordingly, this case is dismissed *without prejudice*. The Clerk of Court shall close the file.¹

IT IS SO ORDERED.

January 28, 2016
Anderson, South Carolina

s/Timothy M. Cain
United States District Judge

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.

¹ Under General Order, Misc. No. 3:07-5014-JFA, this dismissal *without prejudice* does *not* count as a "strike" for purposes of the "three strikes" provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk's Office in Columbia (**901 Richland Street, Columbia, South Carolina 29201**).